

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

ALBERT N. LEE,

Plaintiff,

vs.

STEVEN B. WOLFSON, et al.,

Defendants.

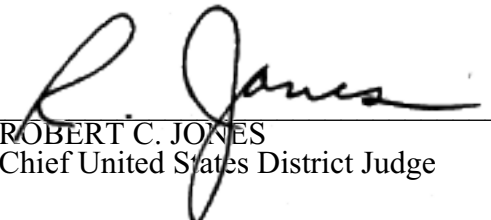
Case No. 3:13-cv-00335-RCJ-WGC

**ORDER**

Petitioner has appealed this court's dismissal of the action. The court of appeals has referred the matter for a determination whether the appeal is frivolous or taken in bad faith, pursuant to 28 U.S.C. § 1915(a)(3). In addition to the court's reason for dismissing this action, there is another consideration why an appeal would not be taken in good faith. Plaintiff's claims, if successful, would necessarily imply that his judgment of conviction is invalid. Plaintiff cannot pursue such claims in a civil rights action without first having the judgment of conviction invalidated through other means. See Heck v. Humphrey, 512 U.S. 477, 486-87 (1994).

IT IS THEREFORE ORDERED that the appeal from the dismissal of this action is not taken in good faith.

Dated: This 15<sup>th</sup> day of October, 2013.

  
ROBERT C. JONES  
Chief United States District Judge